

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-16-367
-vs-	)	
	)	D E C I S I O N
SHARON LEE BUCKSKIN-MICHEL,	)	
	)	
Defendant.	)	

On August 16, 2018, the District Court sentenced Defendant to the Department of Corrections for placement in an appropriate correctional facility or program for a term of 13 months, for the offense of Driving Under the Influence of Alcohol or Drugs, Fourth or Subsequent Offense. If Defendant successfully completed a residential alcohol treatment program operated and approved by the Department of Corrections, the remainder of the 13-month sentence would be served on probation. The imposition of execution of the 13-month sentence could not be deferred or suspended and the Defendant was not eligible for parole.

In addition, the Court placed Defendant on formal probation under the jurisdiction of the Department of Corrections for a period of three (3) years with all-time suspended, to run consecutive to the 13-month commitment. The Court further recommended Defendant be screened for Pre-Release and Connections Corrections if the Department of Corrections deemed it appropriate upon Defendant's release. This sentence was ordered to run consecutively to the sentence in DC-17-296.

On April 5, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive. Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 5<sup>th</sup> day of April, 2019.

DATED this 25<sup>th</sup> day of April, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 7<sup>th</sup> day  
of May, 2019, to:

Clerk of District Court (Original)  
Sharon Lee Buckskin-Michel #3022197, Defendant (2)  
Hon. Deborah Kim Christopher  
Brent Getty, Defense Counsel  
Benjamin Anciaux, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division